

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-30 and 32 are pending. By this Request, no claims are added, cancelled, or amended. Claims 1 and 12-15 are the independent claims.

Claims Rejections under 35 U.S.C. §§102 and 103

The Examiner has rejected claims 1-3, 13, 15-18, 22, 28 and 31 under 35 U.S.C. § 102(e) as being anticipated by Ikeda et al. (U.S. Patent Publication No. 2006/0098936, hereinafter "Ikeda"), claims 4-11, 23, 24, 29 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Ikeda in view of Yamane et al. (U.S. Patent No. 6,383,196, hereinafter "Yamane"), claims 12, 14, 19 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Ikeda in view of Kato et al. (U.S. Patent Publication 2005/0019007, hereinafter "Kato"), and claims 20, 21, 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Ikeda in view of Kato, and further in view of Yamane. Applicants respectfully traverse this rejection for the reasons detailed below.

Ikeda is not prior art under 35 U.S.C. §102(e), or any other section of 35 U.S.C. §102 because the PCT application of Ikeda was published in *Japanese*. For instance, Ikeda is a US national stage application of PCT Application No. PCT/JP03/12127, which was published in *Japanese* on April 8, 2004. M.P.E.P. §706.02(f)(1) states that "[a]ll references, whether the WIPO publication, the U.S. patent application publication or the U.S. patent of an international application (IA) that was filed on or after November 29, 2000 but was not published in **English** under PCT Article 21(2) have **no 35 U.S.C. §102(e)** prior art date at all." See Example 5 in M.P.E.P. §706(f)(1). Because Ikeda was filed after November 29, 2000 and PCT/JP03/12127 was

publication in *Japanese*, Ikeda cannot be used as a reference under 35 U.S.C. §102(e). Furthermore, the fact that Ikeda claims priority to earlier filed Provisional Application No. 60/413,153 filed on September 25, 2002 does not make Ikeda a valid reference under 35 U.S.C. §102(e). For instance, M.P.E.P. §706.02(f)(1) states "[i]f the IA properly claimed priority/benefit to any earlier-filed U.S. application (whether provisional or non-provisional), there would still be **no 35 U.S.C. §102(e) date** for all the references." Therefore, Ikeda cannot be used as a reference under 35 U.S.C. §102(e). In addition, Ikeda would not qualify as prior art under 35 U.S.C. 102(a) or 102(b), or any other section of 102.

As such, Applicants respectfully request that these rejections be withdrawn. In addition, because this application is in a condition for allowance, Applicants respectfully request that the Examiner issue a Notice of Allowance in the next USPTO communication.

CONCLUSION

In view of above remarks and amendments, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

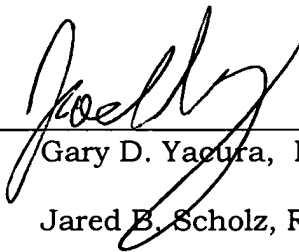
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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